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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/782,473	BEGEJA ET AL.	
	Examiner	Art Unit	
	Jean A. Gelin	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments filed on April 25, 2007 in which claims 1, 9, 10, 18, 19, 29, 32, and 41 have been amended. Claims 1-42 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 10, 19, 20, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Lection et al. (6,996,406).**

Regarding claims 1, 10, 19, 20, and 32 Lection discloses (see Figs. 1-3) a mobile communications device ((150A) and a wireless network node (150B), a communication network and a method comprising: means for determining mobile communications

device location (GPS receiver 210), means for linking (encoder/decoder 250) metadata representing mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call (see encoder encoding positioning data in the generated identification tones for transmission by the RF transceiver, see col. 34-53, col. 3, lines 40-45 and col. 5, lines 12-23).

Regarding claim 20, Lection further discloses wherein the means for determining and means for linking are located within the mobile communication device (col. 2, lines 34-44).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2-6, 8, 11-15, 17, 22-26, 28, 33-37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lection et al. (6,996,406) in view of Ayoub et al. (6,477,363)**.

Regarding claims 2, 11, 22, and 33, Lection teaches all the limitations above except the means for determining comprises a processing technique selected from the group consisting of GPS location determination, wireless network signal triangulation location determination, and serving cell identification determination. However the preceding limitations are known in the art of communications. Ayoud teaches a system wherein the location information of the mobile terminal can be obtained in any known

method GPS, triangulation, and DID numbers to provide an accuracy of the location information, col. 3, lines 30-54 and col. 4, lines 7-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to have different options to determine the location of the mobile terminal, and increase the possibility to find someone carrying the mobile terminal in need of assistance.

Regarding claims 3, 12, 23, and 34, Lection teaches all the limitations above except the means for linking includes the metadata as in-band information along with the audio stream data stream. However, the preceding limitation is known in the art of communications. Ayoub teaches tones being sent via the voice channel, and the position information is translated into a stream of DTMF tones that represent longitude and latitude, see col. 4, lines 30-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to translate latitude and longitude in a sequence of tones which are sent via the voice channel to be heard by the caller.

Regarding claims 4, 13, 24, and 35, Lection teaches all the limitations above except the means for linking includes the metadata as out-of-band information along with the audio stream data. However, the preceding limitation is known in the art of communications. Ayoub teaches tones being sent through the control channel during the setup of the call connection, see col. 4, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to translate latitude and

longitude in a sequence of tones which are sent via the control channel, and reduce the use of bandwidth.

Regarding claims 5, 14, 25, and 36, Lection teaches all the limitations above except the means for linking operates in a repetitive and periodic manner during the course of the wireless communications call to link the metadata. However, the preceding limitation is known in the art of communications. Ayoub teaches controller in the cellular telephone sending updated position at the constant interval while the emergency call is in progress as the caller is communicating with the authority, see col. 4, lines 44-47. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to simultaneously received updated position information while the emergency call is in progress.

Regarding claims 6, 15, 26, and 37, Lection teaches all the limitations above except the determined location is an identification of a cell currently serving the mobile communications device and the means for linking operates to link in response to detected changes in the currently serving cell. However, the preceding limitation is known in the art of communications. Ayoub teaches using cellular triangulation or method using position data obtained from the cell towers the cellular telephone is communicating with as well as sending updated position at constant interval while the emergency call is in progress, see col. 3, lines 30-36, col. 4, line 44-57. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to

simultaneously received updated position information while the emergency call is in progress.

Regarding claim 8, 17, 28, and 40, Lection teaches all the limitations above except the metadata includes a time stamp in addition to the determined location. However, the preceding limitation is known in the art of communications. Ayoub teaches position data being stored in a controller together with a time stamp representing the time of position acquisition, see col. 4, lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to accurately determine the position of the mobile terminal.

Regarding claim 39, Lection teaches all the limitations above except extracting the metadata from the audio stream data, and presenting the location of the mobile communications device. However, the preceding limitation is known in the art of communications. Corresponding to the claimed limitations, Ayoub teaches receiving equipment in the authority having a modem and tone detector, which extracts the DTMF tones and translates them back into digits representing the position of the cellular telephone, (see col. 4, lines 36-42), and location of caller as generated from mapping information being displayed on a computer screen together with the mapping information, (see col. 4, lines 58-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Ayoud within the system of Lection in order to accurately display the location of the mobile terminal on a screen.

6. Claims 9, 18, 29, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lection et al. (6,996,406) in view of Britt et al. (6,647,267)**.

Regarding claims 9, 18, 29, and 41, Lection teaches all the limitations above except the call related data is selected from the group consisting of a call record, called/calling party, and billing identification.

However, the preceding limitation is known in the art of communications. Britt discloses wherein the call related data includes predefined information can include data pertaining to the cellular telephone user such as a child's home telephone number as well as personal data (see col. 2, line 45 to col. 3, line 36), which reads on data selected from the group consisting of a call record, called/calling party, and billing identification. It would therefore have been obvious to one of ordinary skill in the art to combine the teaching of Britt with Lection in order to provide the supplying of pertinent personal information and location information that would assist in providing emergency services as taught by Britt.

7. Claims 7, 16, 27 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lection et al. (6,996,406)** as applied to claims 1, 10, 20 and 32 above, and further in view of **Williams (6,725,049).**

Regarding claims 7, 16, 27 and 38 Lection fails to specifically disclose means for encrypting the determined mobile communications device location.

In an analogous field of endeavor, Williams discloses a method and system for disseminating global positioning information through a telecommunications network by

injecting the global positioning information into telecommunications between calling and called parties and wherein the positioning information may form the basis for encryption of messages or conversations between parties (see col. 3, lines 34-42, col. 4, lines 7-54).

It would therefore have been obvious to one of ordinary skill in the art to incorporate Williams encryption feature into Lection's system in order to add a level of security to the provision of location information especially in emergency situations.

8. Claims 30, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lection et al. (6,996,406)** as applied to claims 19 and 32 above, and further in view of **Lemelson et al. (6,054,928).**

Regarding claims 30, 31 and 42 Lection fails to disclose wherein the communications terminal is a surveillance device as well as a recording device connected into and/or to the call for recording the audio stream data and linked metadata.

In an analogous field of endeavor, Lemelson discloses a system and method for tracking and monitoring a prisoner or parolee that includes a monitoring computer that cooperates with a satellite global positioning system to determine a subject's current location which is periodically transmitted to the monitoring station for surveillance (see col. 4, lines 51-64, col. 9, lines 36-64). According to Lemelson and as illustrated in Fig. 5, a voice recorder 132 is provided as part of the control center for recording individual voice messages as well as provide voice response messages to security personnel (see col. 14, lines 17-24).

It would therefore have been obvious to one of ordinary skill in the art to combine Lemelson's monitoring and tracking system with Lection's system in order to ensure the capability of providing voice response messages as well as recording data such as audio while providing accurate location information in emergency situations as taught by Lemelson.

Response to Arguments

8. Applicant's arguments filed 04/05/07 have been fully considered but they are not persuasive.

As per claim 1, the Applicant argues in substance that "location based data" is not metada representing a determined mobile communication device location The Applicant further argues that Lection fails to disclose linking metadata representing the determined mobile communications device location and call related data to audio stream data sent from that mobile communications device for a wireless communications call. However, the Examiner disagrees with the preceding arguments. As recited in the Applicant's specification, the metada includes location information, tracking information and so on. In Col. 2, lines 25-53, Lection teaches the RF transceiver configured both to modulate and transmit voice communication and location information received from GPS; and the location information can be encoded in the generated identification tones for transmission by the RF transceiver. The Examiner maintains that the claimed limitations are read on Lection as disclosed above.

The Applicant further argues for reasons discussed above claims 10, 19, and 32 are allowable and all claims depend from allowed claims are also allowable. However,

the Examiner disagrees with the preceding assertion. Therefore, the rejection of claims 10, 19, and 32 and all dependent claims are maintained for the same reasons recited above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
July 2, 2007

JEAN GELIN
PRIMARY EXAMINER